

Below is an Opinion of the Court.


RANDALL L. DUNN
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In Re:) Bankruptcy Case
JOHN A. PAHL,) No. 09-30495-rld7
Debtor.) MEMORANDUM OPINION AND ORDER

On April 4, 2013, after an evidentiary hearing ("Hearing") on April 2, 2013, I issued a Memorandum Opinion (Docket No. 138) stating my findings of fact and conclusions of law with respect to the Amended Final Application for Accountants' Compensation, filed by Henderson Bennington Moshofsky PC ("Henderson"), as accountants for the chapter 7¹ trustee. On April 5, 2013, I issued an Order ("Order") (Docket No. 139) overruling the debtor John A. Pahl's ("Mr. Pahl") objections to my approving compensation to Henderson and awarding Henderson \$2,875.25 fees and \$12.50 expenses, for total compensation of \$2,887.75, consistent with my determinations in the Memorandum Opinion. On April 30, 2013, Mr. Pahl

¹ Unless otherwise indicated, all chapter and section references are to the Bankruptcy Code, 11 U.S.C. §§ 101-1532, and all "Rule" references are to the Federal Rules of Bankruptcy Procedure. The Federal Rules of Civil Procedure are referred to as "Civil Rules."

1 filed a Motion to Reconsider Order Awarding Compensation ("Motion to
2 Reconsider") (Docket No. 142) to Henderson, requesting that I rescind the
3 Order and deny compensation to Henderson. My consideration and
4 disposition of the Motion to Reconsider follow.

5 Discussion

6 "Motions for reconsideration," as such, are not recognized in
7 the Rules or Civil Rules. Motions, such as the Motion to Reconsider, are
8 treated either as motions to alter or amend a judgment under Civil Rule
9 59, applicable in bankruptcy under Rule 9023, or motions for relief from
10 a judgment or order under Civil Rule 60, applicable in bankruptcy under
11 Rule 9024. However, Rule 9023 provides that a motion to alter or amend a
12 judgment or order "shall be filed . . . no later than 14 days after entry
13 of judgment." Since the Motion to Reconsider was filed 25 days after the
14 Order was entered, I will consider it as a motion for relief from the
15 Order under Rule 9024.

16 Civil Rule 60(b) provides the reasons why a court may grant
17 relief from a final order or judgment. Arguably most applicable in this
18 case are Civil Rule 60(b)(1), which allows a court to grant relief from a
19 final order based on "mistake, inadvertence, surprise or excusable
20 neglect," and Civil Rule 60(b)(6), which allows a court to grant relief
21 for "any other reason that justifies relief." "Civil Rule 60(b)(6) is to
22 be used sparingly to prevent manifest injustice, and only granted if
23 there is a showing by the movant of 'extraordinary circumstances.'" Gelb
24 v. United States Trustee (In re Gelb), 2013 WL 1296790 (9th Cir. BAP
25 March 29, 2013) (unpublished), quoting United States v. Alpine Land &
26 Reservoir Co., 984 F.2d 1047, 1049 (9th Cir. 1993).

In the Motion to Reconsider, Mr. Pahl does not argue that I erred as a matter of law in entering the Order. Rather, without submitting any newly discovered evidence, he states seven reasons why he thinks that I clearly erred on the facts in granting compensation to Henderson in the Order in the amount requested.

In making the fact findings set forth in the Memorandum Opinion, I carefully considered the evidentiary record presented at the Hearing in light of the history of Mr. Pahl's chapter 7 case, as reflected on the docket. I understand that Mr. Pahl disagrees with my fact findings, but nothing he states in the Motion to Reconsider convinces me that my fact findings were mistaken based on the Hearing record. As the Memorandum Opinion reflects, they certainly were not the products of inadvertence, and this matter does not rise to the level of "extraordinary circumstances" that would justify relief under Civil Rule 60(b)(6). My conclusion is that the Motion to Reconsider should be denied.

Accordingly, IT IS ORDERED that the Motion to Reconsider is DENIED.

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cc: John A. Pahl
Kenneth S. Eiler, Trustee
Henderson Bennington Moshofsky, PC